IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL NO. 1459 OF 1998
In
CIVIL APPLICATION NO. 11288 OF 1998
In
SPECIAL CIVIL APPLICATION NO. 7638 OF 1997

For Approval and Signature:

HONOURABLE MR.JUSTICE R.S.GARG

HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

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1 Whether Reporters of Local Papers may be allowed to see the judgment ?

2 To be referred to the Reporter or not ?

3 Whether their Lordships wish to see the fair copy of the judgment ?

4 Whether this case involves a substantial question of law as to the interpretation of the constitution of India, 1950 or any order made thereunder ?

5 Whether it is to be circulated to the civil judge ?

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CHIEF OFFICER, UNJHA NAGAR PALIKA – Appellant (s)

Versus

BABUBHAI KHODABHAI PATEL - Respondent(s)

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Appearance :
MR. Y.V. SHAH for Appellant.
MR. K.M. PATEL for Respondent

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CORAM :HONOURABLE MR.JUSTICE R.S.GARG &
HONOURABLE MR.JUSTICE RAVI R.TRIPATHI

Date : 06/07/2005

ORAL JUDGMENT
(Per : HONOURABLE MR.JUSTICE R.S.GARG)

1. It is to be seen that an *ad interim* order was issued

in favour of the present appellants on 2nd December, 1998 by the learned single Judge in Special Civil Application No.7638 of 1997. However, the interim order came to be vacated on 4th December, 1998. The stay was sought that implementation/execution of the interim award by the Labour Court be kept in abeyance. After the interim order was vacated, the appellant filed the present Letters Patent Appeal, along with which they submitted Civil Application No.11550 of 1998. The respondent-workman appeared before the Court as a caveator; after hearing both the sides, a Division Bench of this Court, *vide* its order dated 9th February, 1999, allowed the interim relief, as prayed for in paragraph-5(A) of the Civil Application. Though the records of Civil Application No.11550 of 1998 are not forming part of this Letters Patent Appeal, carbon copy of the said application and copy of the order have been produced before us for perusal and appreciation.

2. It is to be seen that since after 9th February, 1999, the matter remained in suspended animation and has seen the light of the day today only.

3. Though the learned Counsel for the respondent vehemently opposed the appeal, but, taking into consideration that an interim order is operating against

the respondent since after filing of the Special Civil Application and the Letters Patent Appeal, we are of the opinion that the interim order granted earlier does not deserve to be vacated.

4. We hereby direct that the interim order granted by this Court shall remain effective till final disposal of Special Civil Application No.7638 of 1997. We request the learned single Judge to dispose of the matter finally within a period of three months from the date of appearance of the parties. Office is hereby directed to list the Special Civil Application before the appropriate Bench on 18th July, 2005 so that the parties may bring this order to the notice of the learned single Judge. The appeal is accordingly disposed of.

[*R.S.Garg, J.*]

[*Ravi R.Tripathi, J.]*

*kamlesh**